

REMARKS

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for indicating that claim 16 is allowed and that claim 18 contains allowable subject matter.

Examiner Interview

During the Examiner Interview of February 10, 2003, a tentative agreement was reached that U.S. Patent No. 5,730,732, issued to Sardelis et al. ("Sardelis") fails to suggest or disclose an opening according to independent claims 1 and 8 of the instant application.

Disposition of Claims

Claims 1-21 are pending in this application. Claims 1, 8, 16, and 17 are independent. The remaining claims depend, directly or indirectly, from claims 1, 8, 16, and 17.

Rejection(s) under 35 U.S.C § 102

Claims 1-6, 8, 9, and 11-15 stand rejected under 35 U.S.C. § 102 as anticipated by Sardelis. This rejection is respectfully traversed.

As discussed in the Examiner Interview, Sardelis fails to suggest or disclose an opening according to independent claims 1 and 8. In contrast, Sardelis discloses, as shown in Figs. 5 and 6, a sealed bore within a surgical needle (shown generally at 80).

In view of the above, Sardelis fails to show or suggest the present invention as recited in independent claims 1 and 8. Thus, these claims are patentable over this prior art reference. Dependent claims 2-6, 9, and 11-15 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C § 103

Claim 19 stands rejected under 35 U.S.C. § 103 as obvious over Sardelis in view of U.S. Patent No. 4,945,895, issued to Takai et al. ("Takai"). This rejection is respectfully traversed.

As discussed in the Examiner Interview, Sardelis fails to suggest or disclose an opening that would be analogous to the intersection of the lumen with the top surface of the needle, as recited in independent claim 17 from which claim 19 depends. In contrast, Sardelis discloses, as shown in Figs. 5 and 6, a sealed bore within a surgical needle (shown generally at 80).

Takai also fails to disclose or suggest a lumen ending *on a top surface* of the needle. Accordingly, the combination of Sardelis and Takai would not permit the use of a camera as recited in claim 19. For at least these reasons, claim 19 is patentable over the combination of Sardelis and Takai. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 10, 17, 20, and 21 stand rejected under 35 U.S.C. § 103 as obvious over Sardelis in view of U.S. Patent No. 6,095,149, issued to Sharkey et al. ("Sharkey"). This rejection is respectfully traversed.

As discussed in the Examiner Interview, Sardelis fails to suggest or disclose an opening as recited in independent claim 8, or any similar element that would be analogous to the intersection of the lumen with the top surface of the needle, as recited in independent claim 17. In contrast, Sardelis discloses, as shown in Figs. 5 and 6, a sealed bore within a surgical needle (shown generally at 80).

Sharkey also fails to disclose or suggest an opening as recited in independent claim 8, or a lumen ending *on a top surface* of the needle, as recited in independent claim 17. Accordingly, the combination of Sardelis and Sharkey would fail to disclose or suggest at least these elements of independent claims 8 and 17. Claims 10 and 20-21, which depend from claims 8 and 17, respectively, are similarly patentable over the combination of these two references. Accordingly, withdrawal of this rejection is respectfully requested.

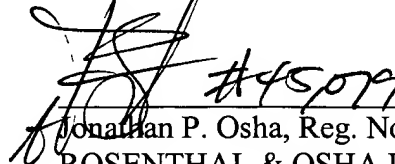
Allowable Subject Matter

Claim 18 has been indicated to be allowable if rewritten in independent form. Claim 18 depends from claim 17. As noted above, claim 17 is allowable and accordingly, Applicant respectfully defers rewriting claim 18 at this time.

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 06570.002002).

Date: 6/30/03

Respectfully submitted,


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